

LEGISLATIVE BILL 1127

Approved by the Governor April 12, 1984

Introduced by Warner, 25, for the Governor; Wesely, 26;
V. Johnson, 8

AN ACT relating to public assistance; to amend sections 68-1005, 68-1017, and 68-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to assistance to the disabled and medical assistance; to change criminal provisions relating to obtaining assistance; to create offenses relating to the food stamp program; to provide penalties; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 68-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1005. In order to qualify for assistance to the disabled, an individual shall, in addition to the requirements set forth in section 68-1002, be considered to be disabled if he or she is unable to engage in any substantial gainful activity so as to be substantially precluded from engaging in useful work by reason of any medically determinable physical or mental impairment which can be expected to have a duration result in death or which has lasted or can be expected to last for a continuous period of not less than one hundred eighty days from the date of onset or, in the case of a child under eighteen years of age, if he or she suffers from any medically determinable physical or mental impairment of comparable severity. In determining eligibility for assistance to the disabled, the Department of Social Services may adopt the determination of the Social Security Administration that an individual is or is not disabled for the purposes of the federal programs of Supplemental Security Income or Old Age Survivors' and Disability Insurance, except that if the Social Security Administration has denied benefits to an individual on the basis of the duration of the individual's disability, the department shall perform an independent medical review of such individual's disability.

Sec. 2. That section 68-1017, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1017. Any person, including vendors and providers of medical assistance and social services, who, by means of a willfully false statement or representation,

or by impersonation or other device, obtains or attempts to obtain, or aids or abets any person to obtain or to attempt to obtain (1) an assistance certificate of award to which he or she is not entitled, (2) any commodity, foodstuff, food coupon or stamp, or a payment to which he such individual is not entitled or a larger payment than that to which he or she is entitled, ~~or~~ (3) any payment made on behalf of a recipient of medical assistance or social services, or (4) any other benefit administered by the Department of Social Services, or who violates any statutory provision relating to assistance to the aged, blind or disabled, aid to dependent children, social services, or medical assistance, commits an offense and shall upon conviction be punished as follows: (a) ~~(1)~~ If the aggregate value of all funds or other benefits obtained or attempted to be obtained ~~is shall~~ be less than five hundred dollars, the person so convicted shall be guilty of a Class III misdemeanor; or (b) ~~(2)~~ if the aggregate value of all funds and other benefits obtained or attempted to be obtained ~~is shall exceed~~ five hundred dollars or more, the person so convicted shall be guilty of a Class IV felony.

Sec. 3. (1) A person commits an offense if he or she knowingly uses, alters, or transfers food stamp coupons or authorizations to participate in the food stamp program in any manner not authorized by law. An offense under this subsection shall be a Class III misdemeanor if the value of the coupons or authorizations is less than five hundred dollars and shall be a Class IV felony if the value of coupons or authorizations is five hundred dollars or more.

(2) A person commits an offense if he or she knowingly (a) possesses food stamp coupons or authorizations to participate in the food stamp program when such individual is not authorized by law to possess them, (b) redeems food stamp coupons when he or she is not authorized by law to redeem them, or (c) redeems food stamp coupons for purposes not authorized by law. An offense under this subsection shall be a Class III misdemeanor if the value of the coupons or authorizations is less than five hundred dollars and shall be a Class IV felony if the value of the coupons or authorizations is five hundred dollars or more.

(3) A person commits an offense if he or she knowingly possesses blank authorizations to participate in the food stamp program when such possession is not authorized by law. An offense under this subsection shall be a Class IV felony.

(4) When food stamp coupons or authorizations to participate in the food stamp program of various values are obtained in violation of this section pursuant to one scheme or a continuing course of conduct, whether from the same or several sources, such conduct may be considered as one offense, and the values aggregated in determining the

grade of the offense.

Sec. 4. That section 68-1020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1020. Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

Sec. 5. Sections 4 and 7 of this act shall become operative on July 1, 1984. The remaining sections shall become operative on their effective date.

Sec. 6. That original sections 68-1005 and 68-1017, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 7. That original section 68-1020, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.